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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,538

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Yaeta Endo

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JHK LAW

P.O. BOX 1078

LA CANADA, CA 91012-1078

EXAMINER

PROUTY, REBECCA E

ART UNIT

PAPER NUMBER

1652

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DELIVERY MODE

04/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,538	Applicant(s) ENDO ET AL.	
	Examiner Rebecca E. Prouty	Art Unit 1652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-21 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-17, 19-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/06</u> . | 6) <input type="checkbox"/> Other: ____. |

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Claims 19 and 22-24 have been canceled. Claims 1-17 and 19-21 are at issue and are present for examination.

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1, 3-5, and 19 drawn to methods of preparing a cell extract for use in a translation system comprising removing low molecular weight protein synthesis inhibitors and cell extracts prepared by said method.

Group II, claim(s) 1, 2, 5-7, 9, 10, 16, 17, and 19-21, drawn to drawn to methods of preparing a cell extract for use in a translation system comprising removing monosaccharides and cell extracts prepared by said method.

Group III, claim(s) 1, 2, 5, 6, 8-10, and 19-21, drawn to drawn to methods of preparing a cell extract for use in a translation system comprising removing phosphorylated sugars and cell extracts prepared by said method.

Group IV, claim(s) 1, 2, 5, 6, 11-14, and 19-21, drawn to drawn to methods of preparing a cell extract for use in a translation system comprising controlling production of monosaccharides from polysaccharides by removing or inactivating glycolytic enzymes and cell extracts prepared by said method.

Group V, claim(s) 1, 2, 5, 6, 12, and 19-21, drawn to drawn to methods of preparing a cell extract for use in a translation system comprising controlling production of monosaccharides from polysaccharides by removing

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polysaccharides and/or oligosaccharides and/or disaccharides and cell extracts prepared by said method.

Group VI, claim(s) 1, 2, 5, 6, 12, and 19-21, drawn to drawn to methods of preparing a cell extract for use in a translation system comprising controlling production of monosaccharides from polysaccharides by adding a glycolytic enzyme inhibitor and cell extracts prepared by said method.

Group VII, claim(s) 1, 2, 5, 6, 15, and 19-21, drawn to drawn to methods of preparing a cell extract for use in a translation system comprising controlling production of phosphorylated sugars from monosaccharides by removing or inactivating phosphorylation enzymes and cell extracts prepared by said method.

Group VIII, claim(s) 1, 2, 5, 6, 15, and 19-21, drawn to drawn to methods of preparing a cell extract for use in a translation system comprising controlling production of phosphorylated sugars from monosaccharides by adding an inhibitor of phosphorylation enzymes and cell extracts prepared by said method.

Group IX, claim(s) 1, 2, 5, 6, 15, and 19-21, drawn to drawn to methods of preparing a cell extract for use in a translation system comprising controlling production of phosphorylated sugars from monosaccharides by enzymatically or chemically altering a hexose so that a phosphate group cannot bind to said phosphorylation site of the sugar and cell extracts prepared by said method.

The inventions listed as Groups I-IX do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the only shared technical feature of all groups is that all relate to the removal of a cell-derived mechanism for translation inhibition. However this is not a special technical feature as defined by

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PCT Rule 13.2 as it does not define a contribution over the art. Madin et al. (Reference C3 of applicants IDS) teach a wheat embryo extract in which tritin (a protein synthesis inhibitor) is removed and Kawarasaki et al. (Reference C1 of applicants IDS) teach a wheat-germ extract in which phosphatases which degrade ATP and GTP are removed. As this alters the levels of ATP and GTP in the extract all enzymes including glycolytic and sugar phosphorylating enzymes which are regulated by ATP are modified. As such groups I-IX lack unity of invention.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

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named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rebecca E. Prouty whose telephone number is 571-272-0937. The examiner can normally be reached on Tuesday-Friday from 8 AM to 5 PM. The examiner can also be reached on alternate Mondays

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nashaat Nashed, can be reached at (571) 272-0934. The fax phone number for this Group is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rebecca Prouty/
Primary Examiner
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